

JAN 23 2015

A BILL FOR AN ACT

RELATING TO FORENSIC IDENTIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 844D-35, Hawaii Revised Statutes, is amended to read as follows:

"~~[+]§844D-35[+]~~ Collection from persons on probation, parole, or other release. (a) A person, except for any juvenile, shall provide buccal swab samples and print impressions and, if required pursuant to this chapter, blood specimens if:

(1) The person is on probation ~~[or]~~, parole, or other release, including final unconditional release upon satisfaction of the person's criminal sentence, for any ~~[felony]~~ criminal offense, whether or not ~~[that crime or]~~ the offense is one set forth in section 844D-31(a);

(2) The person has a record of any past or present conviction of a qualifying offense described in section 844D-31 or has a record of any past or present conviction or adjudication in any other court,



1 including any state, federal, or military court, of
2 any offense that, if committed or attempted in this
3 State, would have been punishable as an offense
4 described in section 844D-31; and

5 (3) The person's blood specimens or buccal swab samples,
6 and print impressions authorized by this chapter are
7 not in the possession of the department or have not
8 been recorded as part of the state DNA database and
9 data bank identification program.

10 (b) The person shall have any required specimens, samples,
11 or print impressions collected within [~~twenty-working~~] five
12 calendar days of being notified by the court, or a law
13 enforcement agency or other entity authorized by the department.
14 The specimens, samples, or print impressions shall be collected
15 in accordance with section 844D-21 at a correctional facility or
16 a state, county, private, or other facility designated for
17 [~~this~~] the collection."

18 SECTION 2. Section 844D-111, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§844D-111 Refusal or failure to provide specimen for**
21 **forensic identification.** (a) A person commits the offense of



1 refusal or failure to provide specimen for forensic
2 identification if the person is required by this chapter to
3 provide any blood specimens, buccal swab samples, or print
4 impressions and intentionally ~~[or]~~, knowingly, negligently, or
5 recklessly refuses or fails to provide any of the required blood
6 specimens, buccal swab samples, or print impressions after the
7 person has received written notice from the department, the
8 department of public safety, any law enforcement personnel, or
9 officer of the court that the person is required to provide each
10 and every one of the blood specimens, buccal swab samples, and
11 print impressions required by this chapter.

12 (b) ~~[Any]~~ Refusal or failure to provide specimen for
13 forensic identification is a class C felony unless a person
14 ~~[who]~~ negligently or recklessly fails to comply with this
15 section ~~[shall be guilty of]~~, in which case it is a
16 misdemeanor."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.
20

INTRODUCED BY:





S.B. NO. 211

Mitchell



S.B. NO. 211

Report Title:

Crime; Forensic Identification; DNA Testing; Felons

Description:

Specifies the requirements of DNA sample collection from subject criminal offenders that are released on parole, probation, or other release. Makes it a class C felony to intentionally or knowingly fail to provide DNA samples, and a misdemeanor for negligent or reckless failure to comply.

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